

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-01-0511 GEB KJM P

vs.

JOSE NOEL PINTO,

Movant.

ORDER

Movant is a federal prisoner proceeding pro se. On June 23, 2004, movant submitted a partially completed form-application for writ of habeas corpus under 28 U.S.C. § 2255. While movant claims he received ineffective assistance of counsel during trial-level proceedings, movant fails to present any facts in support of his claim.¹ Therefore, movant's application will be dismissed and movant will be granted thirty days within which to file an amended application that states a valid claim for relief under 28 U.S.C. § 2255. See Rule 4(b), Rules Governing Section 2255 Proceedings.

¹ With his partially completed form-application, movant presented a motion asking that the court order the Federal Defender's office to provide movant with certain documents related to the trial-level proceedings. From a review of the court's file, including the filing made on December 17, 2004, it appears the Federal Defender has now provided movant with copies of all the documents sought by movant that are in the possession of the Federal Defender.

Accordingly, IT IS HEREBY ORDERED that:

1. Movant's June 23, 2004 application for writ of habeas corpus is dismissed.

2. Movant is granted thirty days from the date of this order within which to file an amended application for writ of habeas corpus which states a valid claim for relief under 28 U.S.C. § 2255. Movant's failure to comply with this order will result in a recommendation that this action be dismissed.

3. The Clerk of the Court is directed to send movant a copy of the court's form application for habeas relief under 28 U.S.C. § 2255.

DATED: May 18, 2005.


UNITED STATES MAGISTRATE JUDGE

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